

EXHIBIT 23

To
PLAINTIFF'S LOCAL RULE 56.1(b)(3)(C) STATEMENT OF ADDITIONAL FACTS
REQUIRING DENIAL OF THE CITY'S MOTION FOR PARTIAL SUMMARY
JUDGMENT

March 15, 2016

Case No. 14-CV-4391

1 STATE OF ILLINOIS)
2 COUNTY OF COOK)
3 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
4 COUNTY DEPARTMENT - CRIMINAL DIVISION
5 THE PEOPLE OF THE)
6 STATE OF ILLINOIS,)
7 Plaintiff,)
8 -vs-) No. 05-CR-14415
9 NICOLE HARRIS,)
10 Defendant.)

10 REPORT OF PROCEEDINGS had before the
11 HONORABLE PAUL P. BIEBEL, JR., Judge of the Criminal
12 Division, heard on the 17th day of June, 2013.

13 APPEARANCES:

14 HON. ANITA M. ALVAREZ,
15 State's Attorney of Cook County, by:
16 MR. JOE MAGATS,
Assistant State's Attorney,
Appeared for the People;

17 MR. BOB STAUFFER,
18 MS. ALISON FLAUM, and
19 MS. SANDY TOLL,
Attorneys at Law,
Appeared for the Defendant.

20 Lisa M. Hughes, CSR
Official Court Reporter
21 2650 South California, Room 4C02
Chicago, Illinois 60608
22 License No. 084-004240

1 THE CLERK: Nicole Harris.

2 MR. MAGATS: Joe Magats, M-a-g-a-t-s, on behalf
3 of the People.

4 MR. STAUFFER: Bob Stauffer, Jenner & Block, on
5 behalf of the defendant, S-t-a-u-f-f-e-r.

6 MS. FLAUM: Alison Flaum, F-l-a-u-m, also on
7 behalf of the defendant.

8 MS. TOLL: Sandy Toll, T-o-l-l, also on behalf
9 of the defendant.

10 THE COURT: What is this about?

11 MR. MAGATS: Your Honor, this case is before
12 you being sent back after granting a petition for habeas
13 corpus.

14 On October 26, 2005, Ms. Harris was
15 convicted of first-degree murder. On October 18, 2012,
16 the 7th Circuit Appellate Court granted Ms. Harris'
17 petition for habeas corpus. I don't know if there is a
18 copy in the court file, if there is even a court file,
19 but I am tendering a copy of that opinion to the Court.

20 In February of 2013, the 7th Circuit
21 Appellate Court ordered Ms. Harris released pending the
22 Attorney General's appeal to the United States Supreme
23 Court and extended the time period for the People to
24 determine whether the case was going to be retried.

1 On June 3rd, two weeks ago, the United
2 States Supreme Court denied the petition for writ of
3 certiori, meaning that the habeas petition stood. Today
4 is the 14th day. At this time, we are asking that based
5 on the 7th Circuit's granting of the habeas that an
6 order be entered vacating convictions on Counts 1 and 2
7 of the indictment.

8 There were verdicts of guilty on both
9 counts. She was sentenced only on Count 1.

10 THE COURT: Vacating Counts 1 and 2?

11 MR. MAGATS: Yes. At this time, it would be
12 nolle pros.

13 THE COURT: Motion State nolle granted.

14 MR. MAGATS: I also have a copy of the order
15 that ordered Ms. Harris released during the pendency of
16 the writ of the Supreme Court. I don't know if it needs
17 to be in the court file.

18 THE COURT: We will put it in the court file.

19 Fine. Motion State nolle.

20 (Which were all the proceedings had in
21 the above-entitled cause on this date.)

1 STATE OF ILLINOIS)
2 COUNTY OF C O O K) SS:

3 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

4 COUNTY DEPARTMENT - CRIMINAL DIVISION

6 I, LISA M. HUGHES, an Official Court
7 Reporter for the Circuit Court of Cook County, County
8 Department - Criminal Division, do hereby certify that I
9 reported in shorthand the proceedings had in the
0 above-entitled cause; that I thereafter caused the
1 foregoing to be transcribed into typewriting, which I
2 hereby certify to be a true and accurate transcript of
3 the Report of Proceedings had before the HONORABLE PAUL
4 P. BIEBEL, JR., Judge of said Court.

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Lisa M. Hughes, CSR

Lisa M. Hughes, CSR
11/11/2014

License No. 084-004240

Circuit Court of Cook County

21 | Dated this 24th day of

June , 2013.

THE PEOPLE OF THE STATE OF ILLINOIS VS.

Nicole Harris

CASE

NO.

05 CR 14415 OC

DATE	PAPERS FILED	
	INDICTMENT/INFORMATION FILED IN THE CLERK'S OFFICE	
	PRES. JUDGE ASSIGNMENT DATE: _____	
	BAIL PREVIOUSLY SET \$ _____	
DATE	JUDGE	ORDERS ENTERED
	NO ARRAIGNMENT	
	ASSIGNED TO JUDGE _____	
6-17-13 Riebel	Order entered vacating Nos 1 & 2 M/S Nelly	
	I hereby certify that the document to which this certification is affixed is a true copy.	
	Date 6-28-13	
	Dorothy Brown Clerk of the Circuit Court of Cook County, IL	
		

